In the High Court of Punjab and Haryana, Chandigarh.

CWP No. 18024 of 2005

Date of Decision: 8.1.2007

Malagar Singh

....Petitioner

Versus

State of Punjab and others.

....Respondents.

Coram:- Hon'ble Mr.Justice J.S. Khehar.
Hon'ble Mr. Justice S.D. Anand.

Present: Mr. Dharam Pal, Advocate
for the petitioner.

Mr. B.S. Chahal, AAG, Punjab
for the respondents.

...

J.S. Khehar, J. (Oral).

The petitioner was engaged as a daily wage Fitter Helper and posted at Mohali. By an order dated 11.11.2005 (Annexure P-1), he was transferred from Mohali to Hoshiarpur. The aforesaid order of transfer is subject matter of challenge at the hands of the petitioner through the instant writ petition, filed under Article 226 of the Constitution of India.

In response to the notice issued to the respondents, a joint written statement has been filed on behalf of respondents No.1 to 4. Para 1 of the preliminary objections of the aforesaid joint written statement is being extracted hereunder:-

> "That the petitioner has no locus standi to file the present writ petition as he has concealed certain true and material facts from the Hon'ble Court which are necessary for proper adjudication. The petitioner is a worker on daily wage basis with the office

held by respondents No.3 and 4. The petitioner is habitual of making false complaints and threat to his colleagues and officers and is also habitual of bad deeds/actions and blackmailing in his department. This is evident from the letters No.8792 dated 18.8.2005, letter No.9644 dated 7.9.2005 and Endst. No.2782/83 dated 9.11.2005 written by Executive Engineer, PWD (B&R) Construction Division, Ropar to Deputy Commissioner, Ropar, Senior Superintendent of Police, Ropar and to Cabinet Ministers (PWD (B&R) and Cabinet Ministers, Water Supply and Sanitation Department, Punjab, Chandigarh, respectively. The letters are respectively Annexures R-1, R-2 and R-3 for kind perusal of Hon'ble Court. Even the petitioner dared to violate the provision of Section 144 of the Cr. P.C. by holding a protest in restricted place on 17.8.2005 during his duty hours after slipping away from his work place."

In view of the aforesaid factual position narrated in the joint written statement, depicting the basis of the petitioner's transfer, we are of the view, that it would be inappropriate to deliberate upon the claim raised by the petitioner, in exercise of our jurisdiction under Article 226 of the Constitution of India.

Dismissed.

(J.S. Khehar)
Judge.

(S.D. Anand)
Judge.

8.1.2007
sk.